

REMARKS

I. Status and Disposition of the Claims

Claims 1, 9, and 14-19 are pending and under examination. Applicant acknowledges, with appreciation, that the Office Action indicated on pages 2 and 3 that claims 1, 9, and 14-18 are in condition for allowance. The Office Action¹ further rejected claim 19 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

II. Amendments to the Claims

Applicant amends claim 19 to be directed to a "computer program product having a non-transitory computer readable medium including programmed instructions." The amendment is supported by Applicant's specification at, for example, page 33, lines 16-21. No new matter has been introduced by the amendment.

III. Response to Rejections

Rejection Under 35 U.S.C. § 101

The Office Action, on page 3, rejected claim 19 as being directed to non-statutory subject matter, stating that the recited computer readable medium can include transitory medium. Without conceding the propriety of the rejection, and to advance prosecution, Applicant amends claim 19 to recite a "non-transitory computer readable medium." Therefore, Applicant contends that claim 19 is directed to statutory subject matter and respectfully requests withdrawal of the rejection.

¹ The Office Action contains a number of statements reflecting characterizations of the cited art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

IV. Allowable Subject Matter

The Office Action, on page 3-4, stated that claims 1, 9, and 14-18 are allowable and that claim 19 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 101. In particular, the Office Action listed some of the features recited in claims 1 and 18 and agreed that those features are not anticipated or obvious over the art of record. While Applicant acknowledges with appreciation the agreement that claims are allowable over the cited arts, Applicant does not concede that the claims are patentable only due to the listed features. Instead, Applicant contends that claims 1, 9, and 14-19 are allowable over the cited arts because none of the cited art or any combination thereof discloses or suggests the combination of features recited in each claim.

V. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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